

Summary Minutes of the
Delta Protection Commission Meeting
Thursday, August 14, 2008

1. Call to Order/Flag Salute

Chair Simonsen called the meeting to order at 5:40 p.m.

2. Roll Call

Present: Chair Simonsen; Commissioners Becerra, Cabaldon, Dawson, Dresser, Ferguson, Johnston, Kelly, McGowan, Newton, Nottoli, Tilghman, van Loben Sels, and Mark Wilson.

Absent: Commissioners Armor, Calone, Piepho, Reagan, Ruhstaller, Trott and Daniel Wilson.

3. Public Comment

There was no public comment.

- 4. A. Receive Input on Delta Vision Strategic Plan Draft No. 2 (Draft Vision) From Members of the Commission Serving on the Delta Vision Stakeholder Advisory Group Pursuant to the Commission's Role Under the Delta Protection Act.**
- B. Provide Staff with Direction Relative to Submitting a Letter of Comment From the Commission to the Blue Ribbon Task Force by September 2, 2008 on the Draft Vision, Relative to the Delta Protection Act and the Policies of the Commission's Land Use and Resource Management Plan for the Primary Zone of the Delta.**

Chair Simonsen asked that the members be mindful that they were there to act as Commissioners and not as representatives from their various entities. He said the meeting was a way to arrive at a consensus for commenting on the draft plan document using the document [attached](#) as reference for discussion.

General Comments – Structure on Governance

Commissioner Cabaldon stated he felt the appeal process should remain with the Commission and the Council's role should be to ensure consistency of the Management Plan and Policies with the Council's plan.

Commissioner Johnston said he felt the Commission should not state a position when it is not clear if the Council would have a plan that is consistent/inconsistent with the Management Plan.

Need for State Funding and Staff Support

Commissioner McGowan said the Blue Ribbon Task Force is looking for the Commission to play a significant role in the Delta Vision, and as such, the Commission should have state funding, as it is then of state significance. He said he felt what was written was the appropriate language.

Commissioner McGowan suggested that the Commission go with the first sentence of the draft document. He said that the emphasis should be on locals; however, the challenge is to get a good balance that can reason together. He also stated the Commission should advocate for locals and leave our bias out of the equation.

Commissioner Becerra stated that she had difficulty reconciling the Commission with local involvement and accountability. Commissioner McGowan responded that all impacts are first and foremost felt at a local level and at the very least, local views need to be represented and articulated.

How the Commission would interrelate with local land use authorities in development special area plans should be more clearly defined.

Ms. Fiack reported that there has been mention of Special Area Management Plans and that the notion of zones and the need for specific plans in certain areas was agreed on but not to the extent of calling them special area management plans. She said the Commission might want to ask for clarification of assurance of local land use authority.

Commissioner Cabaldon stated the Commission might want to adopt a sentence about the use of special area management plans as it relates to land use, or adopt a sentence that other similar processes could be used.

Commissioner Johnston commented that he did not know if the Commission would need to expand into the Secondary Zone. He said the Commission should only comment on what is known about Secondary Zone.

Commissioner Dresser asked if the Commission should open up to the Secondary Zone. He said the Commission should not go in that direction as it should not take on more authority.

Commissioner McGowan stated that the Commission has the right/responsibility to make comments; in addition, CEQA could be amended to make general comments, as there are other entities that would weigh in on land use.

Promote the creation of an in-Delta Conservancy using Sierra Nevada Conservancy as a model (in contrast to an extension of the Coastal Conservancy) in order to assure local government and stakeholder inclusion in decision making. Provide for assured cross coordination of conservancy and Commission.

Commissioner McGowan stated that the Commission should advocate for an in-Delta conservancy as there should be a collaborative approach between a conservancy and the Commission, however the two should remain separate entities.

It was recommended that the item remain in the letter.

The need for streamlined/general permitting for activities to be implemented pursuant to the strategic plan should be acknowledged and tools for accomplishment provided.

Commissioner van Loben Sels asked that this item emphasizing need for streamlined permitting process be emphasized as to importance and cost effectiveness.

CALFED Structure.

It was recommended that the item be removed.

Influence that State agencies will have under the Council in contrast to representation on the Commission should be clarified as relates to local government and stakeholder influence on decision-making.

It was recommended that the item be removed.

Consider stakeholder input to the council rather than stakeholder structure.

Ms. Fiack reported that this item is a clarification of the Commission's role of making comments directly to the Council instead of going through a public advisory group that has no voice in decision making.

Commissioner Cabaldon stated that the Commission cannot take on the role of a public advisory group.

Chair Simonsen stated that the letter should reflect clearer lines of communication and/or coordination so that the right information is provided to the Council.

It was recommended that the item be removed.

The provision of the Delta Protection Act and the Commission's Management Plan that eminent domain can only be utilized in "willing landowner" situations should be taken into consideration in the Plan and the activities of the Council.

Chair Simonsen said that the Commission does not want to utilize eminent domain; however, it may want to take the approach that eminent domain could be used with a conservancy.

Commissioner Cabaldon stated that he was not opposed to eminent domain, but a conservancy should have the ability to implement that.

Commissioner McGowan commented that eminent domain would be irrelevant to the Commission as that function belongs to a conservancy and should be left out of the equation.

It was recommended that the item be removed.

Sustainability and restoration

Commissioner McGowan stated that he would like to see the Commission in a position to mitigate loss of ag land.

Commissioner Nottoli commented that the letter should emphasize the economic costs and cumulative loss to ag lands and counting the acreage and crop values and what that means to the region and State.

Commissioner Tilghman stated that he was concerned for areas set aside for cultural protection/public access and recreation, as he would be opposed if fill were removed at Brannan Island for habitat restoration purposes.

After a short discussion it was decided to leave the items in the letter; however, the Executive Director would rewrite the item to suggest that a conservancy should also give consideration to ag. easements.

Delta as a place as a co-equal goal.

Commissioner Kelly said that the letter should not get into the specifics of which lands to put in and/or take out. The letter should put in the values of converting lands to habitat. She said not to be name-specific, but characteristic-specific and call out areas as to why they are special. She said the letter should also talk about prime soils, vineyards, and even mention specific examples of where those things exist.

Chair Simonsen encouraged the Commissioners to address any items they see fit, with their respective agencies.

Commissioner van Loben Sels asked if the senior upstream water rights for the State would come to the forefront and if the Office of the Attorney General (OAG) has had an opportunity to weigh in. Matt Campbell, OAG responded that the Commission has not asked the OAG to weigh in, nor have the other State agencies the OAG represents.

Ms. Kathy Barnes Jones, Solano County, speaking on behalf of Supervisor Reagan, asked that the Commission remember to act in the interest of the communities and reflect those concerns and not focus so much on landform.

Commissioner McGowan moved that a letter of comment from the Commission be provided to the Blue Ribbon Task Force by September 2, 2008 on the Draft Vision, relative to the Delta Protection Act and the Policies of the Commission's Land Use and Resource Management Plan for the Primary Zone of the Delta; Commissioner Johnston seconded. The motion was approved unanimously.

5. Commissioner and Staff Comments/Announcements

Commissioner Kelly reported that DWR was having landowner meetings in Galt, Lathrop and Antioch regarding the Bay Delta Conservation Plan (BDCP).

Commissioner van Loben Sels asked if landowners did not receive a letter regarding BDCP, would that suggest that DWR was using different maps than the Public Policy Institute of California. Commissioner Kelly responded it was her understanding that DWR was using its own maps.

Ms. Fiack reported that Delta Vision would be having a public outreach meeting on August 27, 2008 at the Ryde Hotel.

The meeting was adjourned at 8:50 p.m.